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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,953	06/14/2001	Noboru Endo	520.36259CX1	6534
24956	7590	10/04/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.			HOM, SHICK C	
1800 DIAGONAL ROAD			ART UNIT	
SUITE 370			PAPER NUMBER	
ALEXANDRIA, VA 22314			2616	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,953

Applicant(s)

ENDO ET AL.

Examiner

Shick C. Hom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claims 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13 lines 14-16 and claim 15 lines 13-15 which recite IP packets being transmitted according to the VPI and not according to the VCI is not clear as to whether the IP packets having the certain part identical with the previously input IP packets being transmitted according to the VPI and not VCI; the IP packets having a certain part different from the previously input IP packets being transmitted according to the VPI and not VCI; or all IP packets. Clearly IP packets having different destination address would be transmitted according to the VPI and not VCI; and therefore it not clear what limitation is being claimed.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Feldman et al. (6,148,000).

Regarding claims 13 and 15:

Feldman et al. disclose the method of switching IP (Internet Protocol) packets at a packet switching system, comprising the steps of: allocating a pair including an IP address and a port number in Transmission Control Protocol (TCP) or User Datagram Protocol (UDP) to a Virtual Channel Identifier (VCI) (see col. 16 lines 22-29 and col. 20 lines 28-56 which recite allocating VCI and col. 4 lines 50-53 which recite the VCI being derived from the IP address); and outputting IP

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packets whose headers have the IP address and the port number via a Virtual Connection (VC) corresponding to the VCI when the packet switching system receives the IP packets, wherein if IP packet headers have a certain part identical with previously input IP packets, then the allocated VCI is the same as a VCI allocated to the previously input IP packets, and wherein if the certain part of the IP packet headers is different from the previously inputted IP packets, then the allocated VCI is an idle VCI (see col. 16 lines 21-35 which recite allocating the VC label from the previously learned and col. 11 lines 9-30 which recite allocating new VCI, i.e. idle VCI, to new path, i.e. path which is different from the previous path), and wherein the VC is included in a Virtual Path, and the IP packets are transmitted, not according to the VCI, but according to a Virtual Path Identifier (VPI) of the Virtual Path in an ATM network (see col. 4 lines 36-49 which recite using the VPI for switching cells along the switched connection and keeping the VCI value unaltered clearly reads on IP packets being transmitted, not according to the VCI, but according to a Virtual Path Identifier (VPI) of the Virtual Path in an ATM network).

Regarding claims 14, 16-17:

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Feldman et al. disclose wherein the information is a port number in Transmission Control Protocol (TCP) or User Datagram Protocol (UDP) and wherein the IP address is a pair of source IP address and destination IP address (see col. 22 lines 49-55 which recite use of TCP protocol and VC including source and destination addresses).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Endo et al. disclose a packet switching system, packet switching network and packet switching method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Seema S. Rao
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SUPERVISORY PATENT EXAMINER
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